

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADAM M. HOOVER,
Plaintiff

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC.,
Defendant

Case No. 1:16-CV-02418-JEJ

PLAINTIFF'S AMENDED COMPLAINT

Plaintiff pro se Adam M. Hoover states the following claims for relief:

JURISDICTION

1. This Court has jurisdiction under the Telephone consumer Protection Act, ("TCPA"), 47 U.S.C. § 227 *et seq.*, and U.S.C. §1331.

PARTIES

2. The pro se Plaintiff to this lawsuit is Adam M. Hoover who resides at 1770 McNess Road, Port Trevorton, PA 17864.

3. The Defendant to this lawsuit is Portfolio Recovery Associates, LLC who has previously received service of process at c/o Corporation Service Company, 2595 Interstate Drive, Harrisburg, PA 17110.

4. Defendant is represented by Attorney Lauren M. Burnett, Esquire located at 450-106 State Road 13 N., Suite 326, St. Johns, FL 32259 and her phone number is 904-201-9120.

VENUE

5. The transaction and occurrences which give rise to this action occurred in central Pennsylvania.

6. Venue is proper in the Middle District of Pennsylvania, pursuant to 28 U. S. C. §1391(b)(2)

GENERAL ALLEGATIONS

7. Plaintiff brings this action again Portfolio Recovery Associates, LLC ("PRA") for numerous unlawful collection calls that PRA made to his cell phone in violation of the Telephone consumer Protection Act, ("TCPA"), 47 U.S.C. § 227 *et seq.*, as well as 47 C.F.R. §62.1200. Such collection calls are treated the same as telemarketing calls under the above referenced law to the extent that they are actionable under the TCPA.

8. Congress enacted the TCPA in order to, inter alia, protect consumers from unwanted telephone solicitation using artificial or prerecorded messages.

9. Congress explicitly found that robo calling to solicit businesses to be an invasion of privacy: Evidence compiled by Congress indicates that residential subscribers consider automated or prerecorded telephone calls, regardless of the content or the initiator or the message, to be a nuisance and an invasion of privacy." Section 2 of Pub. L. 102—24. Plaintiff suffers the same injury in fact when he receives collection calls as calls made to solicit business. Plaintiff has also suffered stress from these calls.

10. In regard to such telemarketing, Senator Hollings of South Carolina, the primary sponsor of the bill, explained, "computerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and the elderly out of bed; they hound us until we want to rip the telephone right out of the wall." See In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, 17 F.C.C.R 17459 at note 90 (2002), quoting 137 Cong. Rec H10, 341 (Nov. 7, 1991)

11. Plaintiff, upon information and belief, hereby alleges that at all times mentioned herein Defendant PRA is a "person" as defined by 47 U. S. C. §153 (39).

12. Plaintiff believes and therefore avers that Defendant engaged in, inter alia, various plans to do collections by contacting clients via the telephone and cell phones (phone) with robo and other prerecorded calls (collectively "calls") without the client's written expressed permission.

13. Such collection calls as referenced above are done in violation of the TCPA.

14. Plaintiff avers that Defendant knowingly, willfully and intentionally conducts collection operations through their agents, servants and employees which they know regularly uses practices in violation of the law.

15. Plaintiff avers that he is not a customer or client of the Defendant, and has never provided any personal information to them,

including his telephone number, prior to any collection phone calls made by them which are referenced and described herein below; nor is the Plaintiff using any goods or services offered by them nor given his expressed written permission to call his cell phone at any time prior to the filing of this Amended Complaint.

16. All initial phone calls placed by Defendants or their agents, subcontractors, employees to Plaintiff phone (570-765-0048) utilized an "automatic telephone dialing system" ("ATDS") as defined by 47 U.S.C. § 227 (b)(1)(A) et seq. and/or robo calling.

17. Defendants' or their agent's ATDS has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator to make robo and prerecorded calls.

18. Defendants' phone calls constituted calls that were not for emergency purposes as illuminated in 47 U.S.C. §227 et seq.

19. On or about August 11, 2015 at 4:07 PM Plaintiff answered his phone and detected silence and then a message was played by Defendant which was a collection call from them. Said call was in violation of the TCPA.

20. Plaintiff believes and therefore avers that he has received in excess of 125 calls that violated the TCPA since on or after November 8, 2012 for which he currently does not have records in his possession which he expects to obtain.

DEMAND FOR JUDGMENT FOR RELIEF

WHEREFORE, Plaintiff, pro se, on his own behalf requests judgment against Defendant as follows:

A. A declaration that Defendant and/or its affiliates, agents and/or other related entities' action complained of herein violates the TCPA;

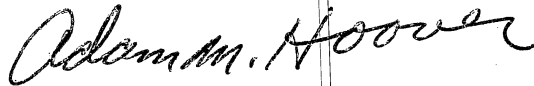
B. An award to Plaintiff of damages as allowed by law;

C. An award to Plaintiff the fees and costs as allowed by law and/or equity;

D. Leave to file this Amended Complaint immediately and leave to file an amended complaint to conform to evidence presented at trial; and

F. Orders granting such other and further relief as the Court deems necessary, just, and proper.

Respectfully submitted,



Adam M. Hoover, Plaintiff pro se
1770 McNess Road
Port Trevorton, PA 17864
570-765-0048
amhoover1770@gmail.com

January 17, 2017

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ADAM M. HOOVER,
Plaintiff

v.

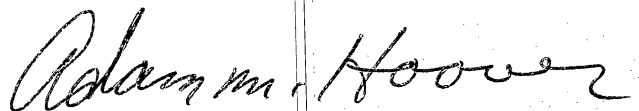
PORTFOLIO RECOVERY
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Defendant

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CERTIFICATE OF SERVICE

I, Adam M. Hoover, hereby state that I served Defendant with a copy of the motion to amend complaint and the proposed amended complaint which I addressed as follows to their counsel of record:

Atty. Lauren M. Burnett, Esquire
450-106 State Road 13 N., Suite 326
St. Johns, Fl 32259



Adam M. Hoover, Plaintiff pro se
1770 McNess Road
Port Trevorton, PA 17864
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amhoover1770@gmail.com